

## REMARKS/ARGUMENTS

Claims 5-13 are pending in this application. Claims 11-13 have been canceled.

### Election/Restrictions

An election has been required to the subject matter of:

- Group I: Claim(s) 5-10, drawn to a method for determining the sensitivity of proliferative disease in a subject to treatment with an mTOR inhibitor, comprising determining the level of expression and/or phosphorylation of S6 in a sample derived from said subject.
- Group II Claim(s) 12, drawn to a method of selecting subjects suffering from a proliferative disease for treatment with an mTOR inhibitor, comprising determining the sensitivity of the proliferative disease to treatment with an mTOR inhibitor in each subject by determining level of expression and/or phosphorylation state of S6 and selecting those subjects showing increased expression of phosphorylated S6 for treatment with an mTOR inhibitor.
- Group III Claim(s) 13, drawn to a method of treating a proliferative disease in a subject in need thereof, comprising administering an mTOR inhibitor if the level of expression of phosphorylated S6 is elevated.

In response to the Restriction Requirement, Applicants elect the invention of Group I, Claims 5-10, drawn to a method for determining the sensitivity of proliferative disease in a subject to treatment with an mTOR inhibitor, comprising determining the level of expression and/or phosphorylation of S6 in a sample derived from said subject.

With respect to the species, applicants elect the mTOR inhibitor 40-O-(2-hydroxyethyl) rapamycin disclosed on page 2, second to last line from bottom, and Example 1.


Claims 5-10 are readable on the elected species.

Entry of this Response is respectfully requested.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

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